IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4259 OF 2005
WITH
CRIMINAL APPLICATION NO.4260 OF 2005
WITH
CRIMINAL APPLICATION NO.4261 OF 2005
WITH
CRIMINAL APPLICATION NO.4262 OF 2005
WITH
CRIMINAL APPLICATION NO.4263 OF 2005

M/s.SPL Technochem Ltd.
and Ors. ..Applicants

Vs.

Borana Plastics Ltd.
and Ors. ..Respondents

...

Mr.M.M.Vashi Advocate for Applicants
Mr.S.R.Shinde A.P.P.for State in
Criminal Application No.4259 of 2005
Mr.D.P.Adsule,A.P.P.for State in
Criminal Application No.4260 of 2005
Ms.S.V.Gajare A.P.P.for State in
Criminal Application No.4261 of 2005
Mr.Y.S.Shinde A.P.P.for State in
Criminal Application No.4262 of 2005
Mr.M.S.Mhambaray A.P.P.for State in
Criminal Application No.4263 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the applicants

and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Bombay in C.C.Nos.686/SS/2004, 687/SS/2004, 688/SS/2004, 689/SS/2004 & 690/SS/2004. In the said case process is issued under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary

revision will be preferred within three weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of three weeks.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. All the five Applications are disposed of.

[V.K.TAHILRAMANI,J.]